

REMARKS

Prior to this Amendments, Claims 25-47 were pending in the application, with Claims 25, 33, 39, 41, 44, and 46 being independent claims. Claims 25-27, 30-31, 33-36, and 39-47 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0163733 to Barriga-Caceres et al. (hereinafter, "Barriga-Caceres"). Claims 28-29, 32, and 37-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Barriga-Caceres in view of U.S. Patent No. 7,272,381 to Aura.

As indicated above, Claim 25 has been amended. Claims 25-47 are now pending, with Claims 25, 33, 39, 41, 44, and 46 being independent claims.

As an initial matter, it is noted that the Examiner's Response to Arguments merely states that Applicants' Arguments have been considered, but are moot in view of the new ground(s) of rejection. (Final Office Action, page 2). However, it is noted that rejections of these claims are nearly identical to the rejections included in the June 25, 2010 Office Action. Further, the Examiner has failed to answer all material traversed, pursuant to MPEP §707.07(f). More specifically, the Examiner has failed to address the argument that Barriga-Caceres fails to teach SBQ-REQ, SBC-RSP, PKM-REQ, and PKM-RSP messages. Since the present Office Action has failed to address all material traversed, as required by MPEP §707.07(f), the present Office Action is not complete as to all matters, and is therefore improper.

In view of the foregoing, Applicants respectfully request withdrawal of the finality of the outstanding Office Action and further request a new non-final Office Action that addresses the merits of the claims.

Regarding the objection to Claim 25, the Examiner recommends amending the

claim to recite, “at least one authentication mode ~~[[than]]~~that can be supported.” (Final Office Action, page 2). As indicated above, Claim 25 has been amended to recite “at least one authentication mode ~~[[than]]~~that can be supported.” Accordingly, withdrawal of the objection to Claim 25 is respectfully requested.

Regarding the §102(e) rejection of independent Claim 25, this claim is not anticipated by Barriga-Caceres. At the very least, Barriga-Caceres does not teach “transmitting a subscriber station basic capability negotiation request (SBC- REQ) message to the base station, the SBC-REQ message including information on at least one authentication mode than can be supported by the subscriber station.” The Examiner asserts that the message labeled “Select Method” in step C-503 of FIG. 5B of Barriga-Caceres corresponds to the SBC-REQ message of Claim 25. (Final Office Action, page 3, citing Barriga-Caceres at paragraph [0101] and FIG. 5B). More specifically, the Examiner asserts, “Step C-503 transmits the authentication mode selected by user, among different authentication mechanisms available for the user.” (Final Office Action, page 3).

However, Claim 25 does not merely refer to transmitting an authentication mode selected by a user, but more specifically requires that information on at least one authentication mode is transmitted through an SBC-REQ message. In other words, any message other than an SBC-REQ message does not satisfy this limitation. Barriga-Caceres does not teach that the message of step C-503 is an SBC-REQ message and further does not include any reference to an SBC-REQ message. Since an anticipation rejection requires a showing that the cited reference teaches the limitations of the claim arranged or combined in the same manner as recited in the claim, Barriga-Caceres has failed to teach an SBC-REQ message, and further has failed to teach the arrangement of including information regarding an authentication mode within an SBC-REQ message.

Further, Barriga-Caceres does not teach “receiving a subscriber station basic

capability negotiation response (SBC-RSP) message including information on an authentication mode that is selected by the base station among the at least one authentication mode.” The Examiner asserts that the message labeled “Credent. Required” in step C-504 of FIG. 5B of Barriga-Caceres corresponds to the SBC-RSP message of Claim 25. (Final Office Action, page 3, citing Barriga-Caceres at paragraph [0101] and FIG. 5B).

More specifically, the Examiner asserts:

As the user chooses to authenticate via the SIM card...the base station then invokes the chosen authentication by inquiring the related credentials with step C-504. Further, as the user provides information regarding only one authentication mode, the base station picks that only one authentication mode to proceed. (Final Office Action, page 3).

However, other than labeling step C-504 as “Credent. Required” in FIG. 5B, Barriga-Caceres includes no statements regarding the form or content of the message transmitted in step C-504. More specifically, Barriga-Caceres does not teach that the message of step C-504 is an SBC-RSP message, does not teach that the message includes information of an authentication mode, and further does not teach that an authentication mode is selected by the base station. To the contrary, even the Examiner’s own statements concede that selection of the authentication mode is performed by a user, but not the base station. More specifically, the Examiner states, “As the user chooses to authenticate via the SIM card...the base station then invokes the chosen authentication...” (Final Office Action, page 3). Although the Examiner later asserts that the base station picks an authentication mode, this assertion is not supported by the actual teachings of Barriga-Caceres, which include no statements regarding step C-504. Therefore, the Examiner’s assertions are based upon speculation.

For at least the reasons stated above, Barriga-Caceres fails to teach the above-quoted limitations of independent Claim 25. Therefore, Claim 25 is not anticipated by Barriga-Caceres. Accordingly, withdrawal of the §102(b) rejection of independent Claim 25 is respectfully requested.

Regarding the §102(b) rejection of independent Claims 33 and 41, which include limitations similar to independent Claim 25, including SBC-REQ and SBC-RSP messages, Barriga-Caceres fails to anticipate Claims 33 and 41 for at least the reasons stated above regarding independent Claim 25. Accordingly, withdrawal of the §102(b) rejection of independent Claims 33 and 41 is respectfully requested.

Regarding the §102(b) rejection of independent Claim 39, this claim is not anticipated by Barriga-Caceres. At the very least, Barriga-Caceres fails to teach “wherein the message parser is further configured to receive an authentication request from the subscriber station by receiving a privacy key management request (PKM-REQ) message having a message type according to the selected authentication mode.” The Examiner asserts that step C-505 of FIG. 5B of Barriga-Caceres corresponds to the PKM-REQ message of Claim 39. (Final Office Action, page 8, citing Barriga-Caceres at paragraph [0101] and FIG. 5B). However, Barriga-Caceres does not teach that the Credentials message of step C-505 is a PKM-REQ message. Further, Barriga-Caceres does not include any reference to a PKM-REQ message. Since an anticipation rejection requires a showing that the cited reference teaches the limitations of the claim arranged or combined in the same manner as recited in the claim, and since Barriga-Caceres has failed to teach an PKM-REQ message, and more specifically has failed to teach a PKM-REQ message having a message type according to a selected authentication mode, Barriga-Caceres fails to teach the above-quoted limitation of Claim 39.

Further, Barriga-Caceres fails to teach “wherein the authentication reply message

generator is further configured to transmit a privacy key management response (PKM-RSP) message having a message type according to the selected authentication mode to the subscriber station in response to the authentication request.” The rejection asserts that step C-513 of FIG. 5B or steps C-25 or C-29 of FIG. 5C corresponds to the PKM-RSP message of Claim 39. (Final Office Action, page 8, citing Barriga-Caceres at FIGs. 5B-5C).

However, Barriga-Caceres does not teach that the Credentials messages of steps C-513, C-25, or C-29 are PKM-REQ messages. Further, Barriga-Caceres does not include any reference to a PKM-RSP message. Since an anticipation rejection requires a showing that the cited reference teaches the limitations of the claim arranged or combined in the same manner as recited in the claim, Barriga-Caceres has failed to teach an PKM-RSP message, and more specifically has failed to teach a PKM-RSP message having a message type according to a selected authentication mode, Barriga-Caceres fails to teach the above-quoted limitation of Claim 39.

For at least the reasons stated above, Barriga-Caceres fails to anticipate the above-quoted limitations of independent Claim 39. Therefore, Barriga-Caceres fails to anticipate Claim 39. Further, Claim 39 includes limitations similar to Claims 25, 33, and 41 with respect to the information communicated through the SBC-REQ and SBC-RSP messages of Claims 25, 33, and 41. Therefore, Claim 39 is further not anticipated by Barriga-Caceres for at least the reasons stated above regarding independent Claims 25, 33, and 41. Accordingly, withdrawal of the §102(b) rejection of independent Claim 39 is respectfully requested.

Regarding the §102(b) rejection of independent Claims 44 and 46, which include limitations similar to independent Claim 39, including PKM-REQ and PKM-RSP messages, Barriga-Caceres fails to anticipate Claims 44 and 46 for at least the reasons

stated above regarding independent Claim 39. Accordingly, withdrawal of the §102(b) rejection of independent Claims 44 and 46 is respectfully requested.

Regarding the §102(b) rejection of dependent Claim 26, this claim is not anticipated by Barriga-Caceres. The Examiner asserts that the IMSI of Barriga-Caceres is a parameter for selecting an authentication mode. (Final Office Action, page 3, citing Barriga-Caceres at paragraph [0101]). However, Barriga-Caceres merely states that an IMSI is an identity to be presented in step C-505, *after* a user has already chosen to be authenticated via a SIM card in step C-503. Therefore, Barriga-Caceres does not teach that the IMSI is included in step C-503, which the Examiner compares with the PKM-REQ message in the rejection of Claim 25. Further, Barriga-Caceres merely states that the IMSI is an identity, but does not teach that the IMSI is used as a parameter for selecting an authentication mode. Therefore, Barriga-Caceres fails to anticipate Claim 26. Accordingly, withdrawal of the §102(b) rejection of dependent Claim 26 is respectfully requested.

Attorney Docket No: 1403-3 (OPP20060845 US)

Claims 26-32, 34-38, 40, 42-43, 45, and 47 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 25, 33, 39, 41, 44, and 46.

Accordingly, all of the claims pending in the Application, namely, Claims 25-47 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

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